IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.5881 OF 2007
IN
FIRST APPEAL (ST) NO.21225 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	¦ Smt.Arti S. Barve for the ¦ Applicant. ¦ Mr.S.G.Thorat for Respondents ¦ Nos.1 to 3. ¦ ¦ **CORAM: D.K.DESHMUKH &** ¦ V.M.KANADE**, JJ.** ¦ **DATED:** 6TH DECEMBER, 2007

P.C.:

1. As per the decree impugned in the Appeal, out of the decretal amount only Rs.1,50,000/- are to be given to the Responent No.1. Rest of the amount has been directed to be invested.

2. The learned Counsel appearing for the Appellant has stated before us that the entire decretal amount has been deposited in the trial

court.

3. In our opinion, therefore, only amount of Rs.1,50,000/- can be permitted to be withdrawn by the Respondent No.1. The Respondent No.1 is accordingly permitted to withdraw an amount of Rs.1,50,000/- on furnishing an undertaking to bring back the amount, if so directed by this Court and on such terms and conditions as may be directed by this court and on furnishing a bank guarantee of a nationalised bank to the satisfaction of the trial court. If the withdrawal is not made within eight weeks from the date of deposit, then the amount shall be invested in fixed deposit in a nationalised bank to the credit of the Appeal.

Civil Application disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)